

Robert C Weems (SBN 148156)
WEEMS LAW OFFICES
526 3rd St., Ste. A-2
San Rafael, CA 94901
Ph: 415.881.7653
Fx: 866.610.1430
Email: rcweems@weemslawoffices.com

Attorney for Plaintiff,
SHARON LEMKE

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

SHARON LEMKE,

Plaintiff,

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

Case No. 2:23-cv-00698-JDP

STIPULATION AND ~~PROPOSED~~ ORDER
FOR MODIFICATION OF SCHEDULING
ORDER [ECF No. 4]

Subject to the approval and any further orders of the Court, the parties, by and through counsel of record, stipulate and agree that the scheduling order for Social Security cases in this action [ECF No. 4] should be modified. Plaintiff's time to move for summary judgment should be extended from 7/14/2023 to 9/4/2023, all other deadlines to be determined by reference to the Court's scheduling order, and that good cause supports the extension of time.

This is Plaintiff's first request for modification of the scheduling order. Good cause supporting the extension of the filing deadline includes Plaintiff's counsel's system erroneously calendared the original motion filing date based on pre-2023 rules and the administrative record is unusually large, exceeding 2200 pages, such that counsel has been unable to complete Plaintiff's motion for summary judgment to the professional standards of the Court, as of the date of this stipulation, despite diligence and requires the further extension to do so considering later intervening deadlines including an upcoming felony trial beginning August 4, 2023.

1 This request is made jointly in good faith, without dilatory motive, and not for purposes of
2 undue delay or to prejudice the interest of any party.

3 SO STIPULATED AND AGREED, July 19, 2023,

4 WEEMS LAW OFFICES

PHILLIP A. TALBERT,
United States Attorney
MATHEW W. PILE,
Assoc. Gen. Counsel, Soc. Sec. Admin.
Office of Program Litigation, Office 7
FRANCO L. BECIA
Sp. Asst. U.S. Attorney

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9 /s/Robert C. Weems

10 ROBERT C. WEEMS,
Attorney for Plaintiff

By: /s/ Franco L. Becia

FRANCO L. BECIA
Sp. Asst. U.S. Attorney,
Attorney for Defendant
(per email authorization)

11
12
13 **~~PROPOSED~~ ORDER**

14 IT IS SO ORDERED.

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16 Dated: July 19, 2023

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JEREMY D. PETERSON
UNITED STATES MAGISTRATE JUDGE